

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP No.32709/2017 & WMP.No.36025/2017

Mrs.Mohana Sundari

..

Petitioner

Vs

1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai.

2.The Assistant Commissioner
Corporation of Chennai
Zone VIII, Shenoy Nagar
Chennai 600 030.

3.The Assitant Engineer
Corporation of Chennai,
Ward 94, Zone VIII
Villivakkam, Chennai 600 049.

4.Mr.G.Parthasarathy

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 to initiate appropriate action on the petitioner's representation dated 04.11.2017 against the unauthorised construction put up in the premises at Door No.19, 4th Street, Redhills Road, Villivakkam, Chennai 600 049 by the 4th respondent expeditiously in accordance with law.

For petitioner
For R1 to R3

: Mr.K.Balaji
: Mr.A.Nagarajan

ORDER

[Order of the Court was delivered by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.Nagarajan, learned Standing Counsel accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims that her husband is the absolute owner of the land bearing Door No.21, 4th Street, Redhills Road, Villivakkam, Chennai-49, admeasuring to an extent of 1208 sq.ft., and a superstructure has also been put up strictly in accordance with the planning permission about 30 years back. The petitioner would further state that the 4th respondent, is the owner of the adjacent property bearing Door No.19, of the same Street and it is the specific case of the petitioner that without getting any planning permission or approval, the 4th respondent had started putting up construction without leaving any side setback and in that process, had blocked the air and light to the house of the petitioner and in this regard, the petitioner has submitted a representation dated 04.11.2017 to the 1st respondent with a copy marked to the Assistant Engineer, Zone 8, Corporation of Chennai, Chennai-49, and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner and Mr.A.Nagarajan, learned Standing Counsel appearing for the respondents 1 to 3 and perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the Zonal Officer, Zone VIII, Corporation of Chennai, to cause inspection of the construction being put up by the 4th respondent, after putting the petitioner as well as the 4th respondent on notice within a period of three weeks from the date of receipt of a copy of this order and depending upon the result of the same, shall take appropriate in accordance with law within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the 4th respondent herein.

5 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai.
- 2.The Assistant Commissioner
Corporation of Chennai
Zone VIII, Shenoy Nagar
Chennai 600 030.
- 3.The Assitant Engineer
Corporation of Chennai,
Ward 94, Zone VIII
Villivakkam, Chennai 600 049.

Copy to:-
The Zonal Officer
Zone VIII
Corporation of Chennai
Villivakkam, Chennai - 600 049.

+1 cc to M/s.K.Balaji Advocate sr 89746
+1 cc to M/s.A.Nagarajan Advocate sr 89787

WP No.32709/2017

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